

KAUA'I PLANNING COMMISSION  
REGULAR MEETING  
December 9, 2014

The regular meeting of the Planning Commission of the County of Kaua'i was called to order by Chair Jan Kimura at 9:14 a.m., at the Lihu'e Civic Center, Mo'ikeha Building, in Meeting Room 2A/2B. The following Commissioners were present:

Chair Jan Kimura  
Vice Chair Angela Anderson  
Mr. John Isobe  
Mr. Wayne Katayama (*entered 9:30 a.m.*)  
Mr. Sean Mahoney

Absent and Excused:  
Mr. Hartwell Blake  
Ms. Amy Mendonca

The following staff members were present: Planning Department – Michael Dahilig, Leslie Takasaki, Dale Cua, Marie Williams; Office of Boards and Commissions – Cherisse Zaima; Deputy County Attorney Ian Jung; Deputy County Attorney Jodi Higuchi-Sayegusa

**CALL TO ORDER**

Chair Kimura called the meeting to order at 9:14 a.m.

**ROLL CALL**

Planning Director Michael Dahilig noted there were five commissioners present.

**APPROVAL OF THE AGENDA**

Mr. Dahilig announced that today would be Commissioner John Isobe's last meeting. He has been considered by many during his time with the County, even before he came to the Commission, as the guru atop the mountain. Having him on this Commission has been a great pleasure, and he has pushed the Planning Department to seek better operations, better management, and better strategy. His comments, and his passion for the County continue to serve them well. A plaque and lei were presented to Mr. Isobe in gratitude for his service.

Mr. Isobe thanked the Department and the Commission.

Mr. Dahilig suggested that the item related to the Executive Session be moved to a time appropriate to the Commission, and that Subdivision matters be moved to immediately follow Hearings and Public Comment. He noted there is a separate agenda that is also scheduled at 9:00 a.m., but it is not a public agenda item as it is related to the contested case hearings calendar. Because counsel is coming in from off-island, he suggested handling the contested cases after the

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public business of the commission, and handle Item 2 of the contested case calendar before Item 1.

**On the motion by Sean Mahoney and seconded by Angela Anderson to approve the agenda as amended, the motion carried by unanimous voice vote.**

**APPROVAL OF THE MINUTES (None)**

**RECEIPT OF ITEMS FOR THE RECORD (None)**

**HEARINGS AND PUBLIC COMMENT**

Continued Agency Hearing (None)

New Agency Hearing

Special Management Area Use Permit SMA(U)-2015-5 to construct an additional dwelling unit (ADU) on a parcel located along the makai side of 'Aliomanu Road, in 'Aliomanu, situated at its intersection with Kukuna Road, in the vicinity of 5064 Kukuna Road, further identified as Tax Map Key 4-9-004: 0015, and containing a total land area of 1.516 acres = *John & Wendy Cadeddu*.

There was some discussion with members of the public to clarify when testimony on any and all agenda items would be taken as outlined in the Planning Commission Rules.

The Commission received testimony from Ken Taylor, who stated he wished to speak on this project as well as all projects that come before the Commission relating to development fees, which they still do not have to this date. He commented that he feels the island has an infrastructure problem, and no money to take care of it, which development fees would greatly help with. Chair Kimura reminded Mr. Taylor that the item currently up for agency hearing is the Cadeddu application. Mr. Taylor stated he is referencing a problem with ALL developments. He repeated his issue with the lack of development fees. He feels it is time for the Commission to move forward with this issue so they may begin collecting money for infrastructure, which he feels will solve some of the problems created with continued approval of projects. He urged the Commission to think about what they are doing to the island.

Member of the public Jack Lundgren asked a question relating to procedure as to when he would be able to testify on any item on the agenda. In reference to Mr. Lundgren's question, Mr. Dahilig explained how the County Council rules differ from the Planning Commission rules, pointing out they do not necessarily follow the same procedures as the County Council relating to public testimony. He referenced the agenda order, and noted he would be able to do so under Item F.5, which immediately follows this agency hearing portion.

**On the motion by Sean Mahoney and seconded by Angela Anderson to close the agency hearing, the motion carried by unanimous voice vote.**

Special Management Area Use Permit SMA(U)-2015-6 to permit repair and reconstruction of the former Coco Palms Resort including but not limited to: 350 hotel units, Lotus Restaurant and Flame Room Bar, the Lobby Building, the Commercial Building, three swimming pools, Queen's Audience Hall, the Palms Lāna'i, the Utility and Maintenance Building, Sea Shell Restaurant, Chapel in the Palms, 2 of 4 Bridge Crossings, and the construction of a new Queen Lagoon Building into a spa and gym facility on the site of the previously demolished structure. The project is situated in Wailua and located at 04-241 Kūhiō Highway, further identified as Tax Map Keys 4-1-003: 004 (por.), 005, 007, 011, and 017 and 4-1-005: 014 and 017, and containing a total area of approx. 28.523 acres. [CANCELLED.]

Mr. Dahilig noted this item has been cancelled for today, and will be reposted for another agency hearing, but public testimony is still allowed pursuant to HRS 92, but noted the agency hearing cannot be opened at this time.

The Commission received testimony from Glenn Mickens who read his written testimony into the record. (On file)

Continued Public Hearing (None)

New Public Hearing (None)

(Mr. Katayama entered the meeting at 9:30 a.m.)

All remaining public testimony pursuant to HRS 92 (Sunshine Law)

The Commission received testimony from Marge Dente relating to Item G.2.a. in support of the application. Ms. Dente stated Steelgrass Farms is her neighbor – they share the same creek – and are responsible people who have a wonderful farm. They harvest products from their trees and plants in a very good way, and offer an educational process for agriculture on Kaua'i, which is a positive addition to the County. One concern she does have is with the ingress and egress into the farm, for which she has not yet seen a plan for. She is aware they have leased adjacent acreage to their farm, and will be expanding their cacao, and their cultural endeavors, noting chocolate is a main factor in everyone's diet. They are up on their market research, which she greatly respects. Ms. Dente stated just a few months ago, there was talk of using Waipouli Road for tourists to visit their educational tours. Waipouli Road is twisty, and full of turns, and has a narrow one-lane bridge with no center line marks. Though the speed limit is 25 mph, most people go 35 – 45 mph, making it a very dangerous road. Having an increased volume of cars coming and going in and out of their farm two to three times a week makes a very

dangerous situation. The neighborhood watch group that has existed there since the 1990s is very concerned about an addition of people who have never traveled this road before, and feel the use of this road should not be part of their application. She asked the Commission to find out what the ingress/egress will be, and take that into consideration. Other than that, Ms. Dente completely supports this application with reservations.

The Commission received testimony from Gabriella Taylor relating to Item L.1.a. Ms. Taylor read her written testimony into the record. (On file)

The Commission received testimony from Ken Taylor relating to Item L.1.a. Coconut Beach Development, LLC, citing the first rule of sustainability: *Population growth and the growth, and rate of consumption of resources cannot be sustained*. He shared his views on the human population exceeding the carrying capacity of Earth, and how political will needs to change, which the Commission has the power to do. He feels it is intellectually dishonest to talk about saving the environment without stressing the importance of stopping population growth as a necessary condition of that. These issues have to be addressed as they review these projects.

The Commission received testimony from Eric Napoleon, General Manager at Plantation Hale relating to L.1.a. who stated he does not oppose the project, but has a few concerns one of which is the traffic impact. Going through Kapa'a Town during the lunch hour, and afternoon hours you encounter a lot of traffic going both ways, and his question is how will that be addressed. During the construction phase, what measures will be taken to control dust in the big area fronting the Plantation Hale property as well as noise? He asked what final plans are in place for the drainage, noting when it rains it floods with water, and pointed out the Long's project created retention basins to house the water. Does this project have retention basins, will water run off onto neighboring properties, or onto the beach, or will it cross the private Aleka Loop road.

The Commission received testimony from Marge Dente relating to Item L.1.a. who stated she is stunned that the Planning Commission is thinking about permitting this resort. She feels the project should have been denied, and permits rescinded a long time ago based on the fact that if this project is approved, the traffic situation on Kūhiō Highway will be negatively affected by the addition of nearly 600 vehicles, including large delivery trucks and service vehicles. The highway is already under considerable stress due to a lack of responsible planning when other tourist developments have been approved on the East side of Kaua'i. To approve this application, and add to the existing problem is in direct conflict to the responsibility that this Commission has to protect the health and welfare of Kaua'i's residents and visitors. The mental sanity of all drivers will be greatly challenged with overwhelming frustration, potentially resulting in multiple accidents along the entire Kapa'a-Līhu'e corridor. Ms. Dente requested this Commission postpone their decision until the State DOT is held responsible for the design of the ingress and egress to and from Kūhiō Highway, and for them to take full responsibility for financing it, which should include the State portioning out a share of the expense to the

developers. Kaua'i residents should not be held accountable for this dilemma. She feels the Commissioners who were serving in 2007, as well as the members serving today, should be held personally accountable for the decisions being totally irresponsible, bordering on criminal, to the health and welfare of Kaua'i.

The Commission received testimony from Amber Talent relating to Item L.1.a who is a resident of Wailua Homesteads, and has lived on Kaua'i for 22 years. She stated her concurrence with Gabriella Taylor's letter, noting she goes almost daily to the location of the proposed hotel, and uses the beach access to walk her dogs, and go swimming. She commented on the two trees on that property, and stated that if anything is ever built there, she will chain herself to one of those trees as she feels they cannot be removed. She feels any building constructed there will be a desecration of the land, and any concrete or asphalt that goes down is the end of the land; the land is a part of what we are. There are enough hotels here, and to add another one is not a benefit.

The Commission received testimony from Jack Lundgren relating to Item L.1.a. who acknowledged that this is a design review, and he appreciates the applicant opening up the project to provide greater view plains, but does not know if that is really enough. He appreciates the plan to extend the multi-use pathway, and he feels this project would be better if it were set back from the coastline. His main concern is with the potential projects on either side of the hotel, and the impending redevelopment of Coco Palms. He feels the Planning Commission and Department should encourage the rehabilitation of Coco Palms, reconstruct it, and get the Seashell restaurant going again, which he feels would create less of a traffic impact, and will encourage redevelopment of that area prior to starting new projects. He echoed previous testimony on the traffic problem, noting how frustrating it is for residents and visitors alike. He feels that they should delay development in this area until traffic situations can be improved. He feels it would be better to have more balanced, and healthy construction, and suggested they phase this project in, start with Coco Palms, and get that property prettied up.

Chair Kimura addressed the members of the public, explaining that what is up for consideration is only the design review for this project, noting that the applicant is allowed to move forward with this project by court order; the Commission has no power to stop this development.

## **CONSENT CALENDAR**

### **Status Reports**

2014 Annual Status Report (9/9/14) from Michael J. Belles, Esq., Belles Graham Proudfoot Wilson & Chun LLP., for Special Management Area Use Permit SMA (U)-2007-13, Project Development Use Permit PDU-2007-25 and Class IV Zoning Permit Z-IV-2007-29, Tax Map Key 2-8-016: 003, 004 and 2-8-015: 043, 044, 082, Po'ipū, Kaua'i = SVO Pacific, Inc.

2014 Annual Status Report for Class IV Zoning Permit Z-IV-2008-7, Use Permit U-2008-5, Variance Permit V-2008-3 and Special Permit SP-2008-3, Tax Map Key 2-7-001: 001 (Por.), Kōloa, Kauaʻi = **Green Energy Team, LLC.**

Director's Report(s) for Project(s) Scheduled for Agency Hearing on 1/13/15

Class IV Zoning Permit Z-IV-2015-10, Use Permit U-2015-9 and Special Permit SP-2015-2 to conduct agricultural educational programs and tours within a parcel located along the mauka side of Olohena Road in Kapaʻa Homesteads, situated approx. ½ mile mauka of its intersection with Waipouli Road, further identified as 5730 Olohena Road, Tax Map Key 4-4-03: 045, and affecting approx. 8.654 acres of a larger parcel = **Steelgrass Farm, LLC.**

Class IV Zoning Permit Z-IV-2015-9, Use Permit U-2015-8 and Special Management Area Use Permit SMA(U)-2015-7 to allow conversion of an existing residence into a bed and breakfast operation on a parcel located along the eastern side of Alamihi Road in Wainiha, situated approx. 300 ft. mauka of its intersection with Kūhiō Highway, further identified as 7083 Alamihi Road, Tax Map Key 5-8-012: 022, and containing a total area of 11,827 sq. ft. = **Kirby B. Guyer/Milton Searles**

Shoreline Setback Activity Determination (None)

No action was taken on this item.

## COMMITTEE REPORTS

### Subdivision

Planning Commission Subdivision Committee member Sean Mahoney read the Subdivision Committee report into the record. (On file)

The following Final Subdivision Actions were approved 2-0:

S-2012-08 = **Princeville Prince Golf Course, LLC**, Proposed 2-lot Boundary Adjustment

S-2013-18 = **County of Kauaʻi, Department of Water/Marty Hoffman**, Proposed 2-lot Subdivision

**On the motion by Wayne Katayama and seconded by Angela Anderson to approve the Subdivision Committee report, the motion carried by unanimous voice vote.**

(The meeting recessed at 10:45 a.m.)

(The meeting reconvened at 11:07 a.m.)

## **GENERAL BUSINESS MATTERS**

Request to amend Condition No. 22 to allow additional six (6) months to complete project for Class IV Zoning Permit Z-IV-2008-7, Use Permit U-2008-5, Variance Permit V-2008-3 and Special Permit SP-2008-3, Tax Map Key 2-7-001: 001 (Por.), Kōloa, Kauaʻi = *Green Energy Team, LLC*

Staff Planner Dale Cua read a summary of the Director's Report into the record.

Mr. Katayama asked what the reason for the delay is, and whether a six month extension will be sufficient to which Mr. Cua replied some of the fabrication for some of the parts had to be redone to strengthen the welding, and the applicant has indicated it will be enough time.

Randolph Singer representing the applicant was present.

**On the motion by Angela Anderson and seconded by Sean Mahoney to approve the time extension, and receive the status report, the motion carried by unanimous voice vote.**

(The meeting recessed at 10:03 a.m.)

(The meeting reconvened at 10:19 a.m.)

## **UNFINISHED BUSINESS (For Action)**

Project Design Review and Request for Extension of Time for the Coconut Beach Resort, pursuant to Condition No. 3.k., Special Management Area Use Permit SMA(U)-2006-4, Project Development Use Permit PDU-2006-6 and Class IV Zoning Permit Z-IV-2006-9, further identified as Tax Map Key 4-3-002: 015, 016 & 020, Waipouli, Kauaʻi = *Coconut Beach Development, LLC*. [Deferred 10/28/14.]

Staff Planner Jody Galinato provided a background of the project, and read a summary of the Director's report into the record. (On file)

Naomi Kuwaye, legal counsel for the applicant was present along with Larry Smith, one of the principals of the development.

Mr. Dahilig noted there were a number of changes the Commission worked with the applicant on, which is listed in the report, and based on the Department's evaluation, those concerns have been satisfactorily addressed.

Chair Kimura asked if all the Commissioner's requests have been met to which Ms. Kuwaye replied yes they have, noting the spacing between the buildings has been increased to 50 feet, and views are available from Aleka Loop from the North and South ends of the property with widths of 125 to 95 feet respectively to ensure the public has adequate view corridors from mauka to makai. The second request they fulfilled was to relocate the parking stalls from mauka

of the property to makai, closest to the beach, and place six public spaces South of the property. To ensure the public spaces are there for the public they will clearly mark the parking stalls as public parking as well as have signage to ensure the resort guests know that it is not for them. The third question regarding the drainage and grading plan has been addressed, and they have received approval from the Department of Public Works, which is part of the Exhibits. Lastly, as requested they have relocated the picnic tables and barbeque grills away from the burials and preserve area as demonstrated in Exhibit 5.1. Ms. Kuwaye noted they have revised their landscape plan to correctly show the certified shoreline.

Ms. Anderson asked what type of mitigation for traffic impacts will be in place for this resort. Ms. Kuwaye replied they have been working with the Department of Transportation State Highways division regularly, and were asked to do several studies to aid in DOT's designs; as of last week, DOT reported that the widening of the highway will begin in 2015. In addition, DOT has asked the applicant to update those studies to assist with additional traffic mitigation measures, and will be informed of what else they need to do after the road widening project begins.

Mr. Katayama referenced the grading and drainage plan approved by Public Works, and asked what the assumption is for water retention capacity; are they planning for the 100 year rain? He commented there are four ponds identified, and asked if that is part of the detention system. Ms. Kuwaye referred to the Project Engineer, James Gomes. Mr. Gomes explained they are planning to provide retention basins both mauka and makai to accommodate criteria for both the 2 and 100 year storms in their drainage plan. In response to Mr. Katayama, Mr. Gomes explained the retaining ponds are along the mauka side of the property adjacent to the berm, and there are some subterranean retention basins on the North side as well as right outside the lobby, and adjacent to the entry.

Chair Kimura asked how big the retention pond in the front near the lobby is to which Mr. Gomes stated it will be sized in terms of actual physical size, but they have a specific flow they need to contain.

Ms. Anderson asked for a description of how runoff from the parking lots will be diverted, and whether water will be entering the reef, or beach area. Mr. Gomes replied no, explaining that they are required to contain any water within the site, and water will travel mauka-makai, and collect towards the mauka portion of the property to the on-grade containing basins, and at that point will seep into the ground.

Chair Kimura noted there was concern about water from the makai side going into the ocean, and asked if that has been considered. Mr. Gomes replied yes, noting that Public Works is requiring them to contain some of the water from the adjacent land owner on the North side into their property, which they have accommodated from a design standpoint. Chair Kimura stated there was also concern from Plantation Hale across the street that water may be draining onto their property. Will the project's drainage affect that property at all? Mr. Gomes stated based on the analysis taken, there is currently a certain amount of flow that already goes in that direction, and they will actually be reducing the flow towards Aleka Loop; they are decreasing the existing problem.



Chair Kimura clarified that there are six parking stalls each on the North and South sides, and there will no parking on the grass area. Ms. Kuwaye replied there will be overflow parking on the grass side of the parking lot, but it is difficult to maintain signage, and demarcation on grass. Chair Kimura commented he does not see how they will have an overflow of guest parking as there are currently 500 guest stalls. Ms. Kuwaye stated they wanted to make sure there were clearly demarcated stalls on the concrete for the public, but they have the option to park in the grassed area.

Mr. Katayama asked for an explanation on what noise, and dust control programs will be in place during construction. Ms. Kuwaye replied they are required under both State and County construction standards to comply with BMPs for the project, and the Project Manager will be meeting with each one of the property's neighbors to consult with them before, during, and after construction.

In response to Chair Kimura, Mr. Gomes pointed out, and described the locations of the retention basins on the site plan map.

Referencing Exhibit 5.2 Arborist Assessment Tree Identification, Ms. Anderson asked whether these are existing trees, and if so whether there are plans to keep the existing tree line, or for removal of trees. Ms. Kuwaye replied some of the trees are diseased, and they are required to consult with DLNR for their removal.

Chief of Engineering for the County of Kaua'i Michael Moll was present.

Ms. Anderson asked for a summary of what the plan entails, and how the protection of the coastline will be ensured from a drainage perspective. Mr. Moll explained how the water currently flows into the site, then ponds and flows into Aleka Loop. The design plan is proposing to have the flow go from the northwest corner to the makai side of the property as opposed to the mauka side. There are several detention basins, much of which are underground. Primarily, most of the flow is being directed toward the sump area behind the sand dune where it is retained. The details of the design for the retention basins and ponds in that sump area have not been done yet, but they will be designing them to accommodate those flow patterns. He pointed out that during a 2 year storm there will be no flow off the site toward the mauka side at all, and it is estimated that the 100 year storm will have some level of flow onto Aleka Loop, but much less than is currently flowing there. Mr. Moll noted that the design's intent is to retain flow from the 100 year storm within the berm at the sump area, and not to overflow onto the beach. The water will ultimately seep into the sand, which then filters into the ocean, rather than flow directly into the ocean. He pointed out that the drainage analysis is based on estimated rainfall, and they cannot possibly analyze every possible scenario. There may be situations where there is a very heavy flow for a shorter period of time resulting in the basins filling up and overflowing; there is no way to truly figure all of that out.

Chair Kimura stated that based on what he has seen at the front of Plantation Hale it does not have to be a 100 year storm that floods the area, it floods annually, and takes over a week to drain. How long would the retained water next to the berm take to drain to which Mr. Moll replied this water would have to drain within the period, being that it is very sandy soil in that

area, and would infiltrate into the sand. In response to Mr. Kimura, Mr. Moll stated high tide does not necessarily bring the water table all the way inland, and would still allow for infiltration into the soil; he does not think high tide would affect the drainage given the elevations he has seen.

Mr. Katayama asked whether the point of entry into the ocean in the event of an overflow is the best, or smartest place to have it. Mr. Moll stated they are not proposing to change it, but are just pointing out where the low point is, and if water were to overtop the berm, that is where it would flow; it's a one percent or less range of that happening. Mr. Katayama stated the question would be if you have an event, where do they want the point of entry to be to which Mr. Moll replied he does not think the reef health issue is a significant concern, but it's more of an issue of ensuring the water does not flow back into other areas, which is what they are designing to do. Mr. Katayama asked how maintenance of the underground detention ponds will be handled to which Mr. Moll replied the applicant will have to enter into a maintenance agreement with the Department, and his understanding is that the detention basins hold a certain amount of water, which then seeps into the soil.

Ms. Anderson asked what types of technologies are out there to help ensure they keep the beaches clean, and prevent the destruction of any reefs, or water quality. Her understanding is that in the makai section, the water will infiltrate the sandy soil, and asked if there is a way of filtering the water, or a way to prevent the contamination of the soil. Mr. Moll stated there are various things that can be done, but something being proposed is that even before it gets to the sump area, the water flows through shallow grass areas that serve to filter out any impurities as it goes to the sump, and then seeps into the sandy soil, which is enough to meet the standards. Soils, grass, and sand are good ways to filter water, in many ways better than man made methods.

Ms. Anderson asked to confirm whether there are any additional technologies for the filtration of water. Mr. Gomes explained on some of the drain inlets that eventually lead to the leaching field, they could create a sump below the invert of where the water flows so if any settlement occurs, it can go to the bottom of the inlet, which can eventually be cleaned out. However, as Mr. Moll mentioned, the best way is to create a flow that filters before it gets to where the above grade sumps are. Ms. Anderson stated she has heard of particular wetland plants, or things that absorb particulates, and wondered if biotechnology would be used that way. Mr. Gomes stated they have not looked into that yet, and felt they had a good plan in how they are addressing the flow, and filtration. They are trying to be good neighbors in addressing flows from the neighboring properties as well. One thing they are doing with the subterranean sumps within the main area is retaining the water, and filtering it to use in irrigation.

In response to Chair Kimura, Mr. Gomes pointed out on the site plan, and explained the existing burials they are retaining on site as a preserve.

Mr. Mahoney commented that he feels the applicant has shown good faith in complying with the conditions set forth by the Department, and has satisfactorily answered all questions. The main thing is that public concerns are addressed during the building process, noting the good neighbor policy makes a big impact upon the community.

**On the motion by Sean Mahoney and seconded by Wayne Katayama to approve the Project Design Review, and time extension request of one year, the motion carried by unanimous roll call vote.**

### **NEW BUSINESS (For Action)**

Special Management Area Use Permit SMA(U)-2015-5 to construct an additional dwelling unit (ADU) on a parcel located along the makai side of 'Aliomanu Road, in 'Aliomanu, situated at its intersection with Kukuna Road, in the vicinity of 5064 Kukuna Road, further identified as Tax Map Key 4-9-004: 0015, and containing a total land area of 1.516 acres = **John and Wendy Cadeddu**.

Mr. Cua read the highlights of the project as included in the Director's report into the record. (On file)

Chair Kimura asked to clarify that this is a second home on a CPR property to which Mr. Cua replied yes, and should be noted that the property is 1.5 acres in size, and is zoned residential R-4. From what he understands, there are two property owners of this parcel. Chair Kimura asked for the square footage of the house to which Mr. Cua replied as shown on Page 2 of the report, it is approximately 4,878 sq. ft. of living area, and approximately 1,400 sq. ft. of covered lanais, and a 576 sq. ft. two car garage. Chair Kimura asked if there are any restrictions on the square footage of an ADU to which Mr. Cua replied based on the zoning designation, the property qualifies for a total of six units, so the home is not an ADU, it is a second residence.

Laurel Loo representing the applicant was present along with Nathan Texeira, and Conrad Schmidt, Architect Designers.

Ms. Loo pointed out a couple of minor corrections on the Director's Report, the first of which is on the last sentence of the first page regarding the septic system. She noted the septic system for this home will only service this home, and will not be shared. The second correction is to the last sentence on Page 4, noting it is not metal roofing, it is cedar shake. Chair Kimura asked whether the sentence regarding the septic system is just a typo, or does a change need to be made with the Department of Health to which Mr. Cua replied it was a staff error. He noted that prior to obtaining a building permit, the applicant will need to have the design of the wastewater system approved by the Department of Health.

**On the motion by Sean Mahoney and seconded by John Isobe to approve the SMA Use permit, the motion carried by unanimous voice vote.**

### **EXECUTIVE SESSION**

Pursuant to Hawai'i Revised Statutes Sections 92-5(a)(2 and 4), the purpose of this executive session is to discuss matters pertaining to the evaluation of the Planning Director. This session pertains to the Planning Director's evaluation where consideration of matters affecting

privacy will be involved. Further, to consult with legal counsel regarding powers, duties, privileges, and/or liabilities of the Planning Commission as it relates to the evaluation of the Planning Director.

**On the motion by Wayne Katayama and seconded by Sean Mahoney to enter into executive session, the motion carried by unanimous voice vote.**

### **ANNOUNCEMENTS**

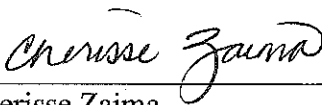
The following scheduled Planning Commission meeting will be held at 9:00 a.m., or shortly thereafter at the Līhu'e Civic Center, Moikeha Building, Meeting Room 2A-2B, 4444 Rice Street, Līhu'e, Kaua'i, Hawai'i 96766 on **Tuesday, January 13, 2014.**

Mr. Dahilig advised the Commission to close this public meeting at the end of the executive session.

### **ADJOURNMENT**

Chair Kimura adjourned the meeting at 5:48 p.m.

Respectfully submitted by:

  
\_\_\_\_\_  
Cherisse Zaima  
Commission Support Clerk

( ) Approved as circulated (add date of meeting approval).

( ) Approved as amended. See minutes of \_\_\_\_\_ meeting.